

Ordinance 486

Amends Chapter 83 & Ordinance 335

PEDDLING AND SOLICITING

ORDINANCE NO. 2019 - \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, CHAPTER 83, SECTIONS 83-1 (A) (1) (3), 83-3, 83-4, 83-5, 83-6, 83-10, 83-11, AS FULLY SET FORTH IN THE ATTACHED ORDINANCE IN REGARDS TO PEDDLING AND SOLICITIING IN THE BOUROGH OF CURWENSVILLE, PENNSYLVANIA.

The Curwensville Borough Council hereby ordains:

That Chapter 83 of the Code of the Borough of Curwensville is hereby amended as to Section 83-1 (A) (1) (3), 83-3, 83-4, 83-5, 83-6, 83-10, 83-11, as fully set forth in the attached ordinance. In all other respects the remaining provisions of the Ordinance shall remain in full force and effect.

A copy of the Amended Ordinance is attached hereto.

This Ordinance shall take effect upon adoption.

DULY ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Council of the Borough of Curwensville in public session duly assembled.

\_\_\_\_\_  
Theresa Bracken,  
Secretary

\_\_\_\_\_  
Sara Curulla,  
President

\_\_\_\_\_  
John Adams,  
Mayor

**§83-1. Definitions.**

A. As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER - Any person who shall engage in peddling as herein below described.

PEDDLING - Engaging in peddling, canvassing, soliciting or the taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Curwensville, provided that the word "peddling" shall not apply to:

- (1) Farmers selling their own produce.
- (2) The sale of goods, wares and merchandise the proceeds whereof are to be applied to any recognized charitable or philanthropic purpose.
- (3) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products except ice cream or another frozen dessert.

PERSON - Any natural person, association, partnership, firm or corporation.

B. Word usage. In this chapter the singular shall include the plural, and the masculine shall include the feminine and neutral.

#### **§ 83-2. License required.**

No person shall engage in peddling in the Borough of Curwensville without first having taken out a license as herein provided.

**§ 83-3. Application for license.**

Every person desiring to engage in peddling in the Borough of Curwensville shall first make application to the Borough Secretary for a license. If such person is also required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name and address; provide a valid Driver's license or State Issued ID, previous criminal record, if any; the name, title and phone number of the person/company for whom he works, if any; the time for which he wishes to be licensed; the type and license number of the vehicle he uses, if any; and the number of helpers he has; provided that where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

**§ 83-4. License fee.**

No license shall be issued under this chapter until proper fee, as follows, shall be paid to the Borough Secretary, which shall be for the use of the borough: Twenty-Five Dollars per day per person.

**§ 83-5. Issuance and display of license.**

Upon making application therefor and paying the proper fee as herein specified, a license shall be issued to each peddler. Such license shall contain the information required to be given upon the application therefor. Each peddler shall

at all times when engaged in peddling in the borough display such license openly and shall exhibit such license, upon request, to all police officers, borough officials and citizens. No peddler shall engage in selling any product not mentioned upon such license, nor shall any person having a foot peddler's license operate from or with any vehicle except as a helper to a person holding a valid license to operate from a vehicle.

**§ 83-6. Prohibited hours.**

No person licensed as a peddler under this chapter shall engage in peddling before 9:00 a.m. or after 6:00 p.m. on any weekday. Peddling is prohibited on weekends and Holidays.

**§ 83-7. Use of audible advertising prohibited.**

No person licensed as a peddler under this chapter shall hawk or cry his wares upon any of the streets or sidewalks of the borough, nor shall he use any loudspeaker or horn or any device for announcing his presence by which the public is annoyed.

**§ 83-8. Prohibited use of streets.**

No person licensed as a peddler under this chapter shall park any vehicle upon any of the streets or alleys of the borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstome market by parking any vehicle upon any street or alley in the borough for longer than necessary in order to

sell therefrom to persons residing in the immediate vicinity.

**§ 83-9. Operating from fixed locations prohibited.**

No person licensed as a peddler under this chapter shall occupy any fixed location upon any of the streets, alleys or sidewalks of the borough for the purpose of peddling, with or without any stand or counter.

**§ 83-10. Records; supervision of licensees.**

The Borough Secretary shall keep a record of all licenses issued under this chapter and provide such records to the Chief of Police upon request. The Chief of Police shall supervise the activities of all holders of such licenses.

**§ 83-11. Suspension of license.**

The Borough Secretary or the Chief of Police of Curwensville are hereby authorized to suspend any license issued under this chapter when he/she deems such suspension to be beneficial to the public health, safety or morals or for the violation of any of the provisions in this chapter or for giving false information upon any application for a license hereunder.

**§ 83-12. Exemptions.**

The provisions of this chapter shall not apply to solicitations by any local duly recognized charitable

organization or local branch of any state or nationally organized charitable organization. The term "local" shall be defined as that area encompassing the geographical limits of Clearfield County, Pennsylvania

**§ 83-13. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.) and costs of prosecution, and in default of payment thereof, to imprisonment for not more than thirty (30) days.